

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARC OPPERMAN, *et al.*, for themselves
and all others similarly situated,

Plaintiffs,

vs.

PATH, INC., *et al.*,

Defendants.

Civil Action No. 1:12-cv-00219-SS

CLASS ACTION

DECLARATION OF PETER HEINKE IN SUPPORT OF
JOINT MOTION TO TRANSFER VENUE

Peter Heinke hereby declares under penalty of perjury as follows:

1. I am Chief Financial Officer and Chief Operating Officer of Kik Interactive, Inc. ("Kik"). I submit this Declaration in support of Defendant Kik's Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a). Except as otherwise noted, this declaration is based on my personal knowledge and my review of Kik's records. If called upon to testify as to the facts set forth in this declaration, I could and would competently testify thereto.

2. I understand that in the present lawsuit, Plaintiffs seek to hold Kik liable for allegedly uploading, remotely using and storing portions of Plaintiffs' address book data via operation of the Kik Messenger Application ("Kik App"). (Second Amended Complaint ("SAC") ¶ 160.)

3. Kik is a Canadian corporation with its headquarters, principal place of business, and sole office in Ontario, Canada.

4. Kik's 25 employees are all located in Ontario, Canada.

5. Kik does not have offices in Texas.

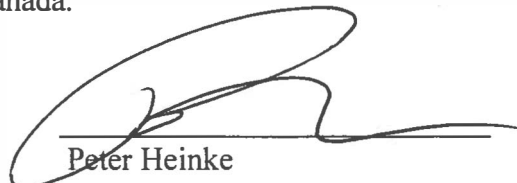
6. Kik has no employees in Texas.

7. Kik maintains no corporate records, data, servers or other documents in Texas.

8. To the best of my knowledge, there are no witnesses who have knowledge about the operation and implementation of the Kik App and any upload of user address book data located in Texas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2012, at Ontario, Canada.



Peter Heinke

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record who have consented to electronic notification. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to all non-CM/ECF participants.

/s/ Michael H. Page

Michael H. Page